

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: AUTOZONE, INC. WAGE AND
HOUR EMPLOYMENT PRACTICES
LITIGATION

No. 10-md-02159 CRB (JSC)

**ORDER RE: CONSOLIDATION OF
DISCOVERY**

At the telephone conference held on June 29, 2011, the Court asked the Plaintiffs to advise the Court in writing of their position regarding a consolidated amended complaint. The Court has reviewed the letters filed by Plaintiff Escalante and Plaintiff Ellison and will not order consolidation at this time.

Even without formal consolidation, however, the discovery in these actions should be coordinated. The Escalante matter may continue to proceed with discovery; however, the parties shall include all counsel in these MDL proceedings on the Escalante service list.

With respect to the remaining cases, the Court is inclined to appoint Initiative Legal Group to take the lead as to discovery for the plaintiffs. In other words, Initiative Legal Group would coordinate the discovery requests and responses for all cases other than Escalante. If any party has an objection to Initiative Legal Group taking on this role, such written objection with a counter-proposal shall be filed by letter on or before June 29, 2011. The Court will address the issue at the August 1, 2011 telephone conference.

1 Defendant Autozone, Inc. is in the best position to determine if the discovery sought
2 in Escalante overlaps with the likely discovery in the remaining cases. At the telephone
3 conference on August 1, 2011 Defendant should be prepared to discuss what discovery in
4 Escalante is likely to overlap with discovery in the other cases, as well as a proposal for how
5 to coordinate the discovery between Escalante and the other cases. Defendant shall meet and
6 confer with counsel for Escalante prior to August 1, 2011 in an effort to identify what
7 discovery remains to be done in Escalante.

8 **IT IS SO ORDERED.**

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10 Dated: July 19, 2011

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13 JACQUELINE SCOTT CORLEY
14 UNITED STATES MAGISTRATE JUDGE
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